

Access Connection Permit (Form224-005) and Example Including Exhibits

Appendix 20
Page 1

General Provisions

1. The Permit Holder, its successors and assigns, agrees to protect the State of Washington, its officers and employees and save them harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person, persons, or property by reason of the acts or omissions of the Permit Holder, its assigns, agents, contractors, licensees, employees or any person whomsoever, in connection with permit Holder's, its assigns', agents', contractors', licensees' or employees' construction, installation, maintenance, operation, use or occupancy of the right of way or in the exercise of this permit. In case any suit or action is brought against the State of Washington, its officers and employees, arising out of or by reason of any of the above causes, the Permit Holder, its successors or assigns will, upon notice of such action, defend the same at its sole cost and expense and satisfy any judgement against the State of Washington, its officers, or employees: PROVIDED, that if the claims or damages are caused by or result from the concurrent negligence of (a) the State of Washington's agents or employees and (b) the permit Holder or Permit Holder's agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permit Holder or the Permit Holder's agents or employees.

The Permit Holder, and on behalf of its assigns, agents, licensees, contractors and employees agrees to waive any claims for losses, expenses, damages or lost revenues incurred by it or its agents, contractors, licensees, employees or customers in connection with Permit Holder's, its assigns', agents', contractors', licensees' or employees' construction, installation, maintenance, operation, use or occupancy of the right of way or in the exercise of this permit against the State of Washington, its agents or employees except the reasonable costs of repair to property resulting from the negligent injury or damage to Permit Holder's property by the State of Washington, its agents, contractors or employees.

2. During the progress of the work, such barriers shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public; the barriers shall be properly lighted at night.
3. Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the State highway in such a manner as to interfere with the travel over said road.
4. If the work done under this permit interferes in any way with the drainage of the State highway, the Permit Holder shall wholly and at its own expense make such provision as the Department may direct to take care of said drainage.
5. Permit Holder hereby authorizes the Department to enter upon their lands where necessary to construct or reconstruct the permitted access connection and/or construct and maintain traffic control devices and appurtenances.
6. The access connection shall be maintained between the right of way line and the shoulder line of said (highway, frontage service road of said highway, highway and/or frontage service road, "- Line of said highway) by the Permit Holder, their heirs, successors or assigns.
7. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the Department.
8. The cost of construction or modification of a connection shall be the responsibility of the Permit Holder, including the cost of modification of any connection required as a result of changes on property site use in accordance with WAC 468-51-110.
9. The Department hereby reserves the right to order the change of location or the removal of any structure or structures authorized by this permit at any time, said change or removal to be made at the sole expense of the party or parties to whom this permit is issued, or their successors and assigns.
10. Existing permitted connections impacted by the Department's work program and which, in the consideration of the Department, necessitate modification, relocation, or replacement in order to meet current Department connection location, quantity, spacing, and design standards, shall be modified, relocated, or replaced in kind by the Department at no cost to the Permit Holder. The cost of further enhancements or modification to the altered, relocated, or replaced connections desired by the Permit Holder shall be the responsibility of the Permit Holder.
11. If any changes are made or proposed in the land use, intensity of development, type of traffic, or traffic flow of the property served by this connection permit, the Permit Holder is required to contact the Department to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection.
12. All such changes, reconstruction, or relocation by the Permit Holder shall be done in such manner as will cause the least interference with any of the Department's work, and the Department shall in no wise be held liable for any damage to the Permit Holder by reason of any such work by the Department, its agents or representatives, or by the exercise of any rights by the Department upon roads, streets, public places, or structures in question.
13. This permit or privilege shall not be deemed or held to be an exclusive one and shall not prohibit the Department from granting other permits or franchise rights of like or other nature to other public or private companies or individuals, nor shall it prevent the Department from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.
14. The Department may revoke, amend, or cancel this permit or any of the provisions thereof at any time by giving written notice to the Permit Holder. The Permit Holder shall immediately remove all facilities from the right of way. Any facilities remaining upon the right of way 30 days after written notice of cancellation shall be removed by the department at the Permit Holder's expense.
15. It is the responsibility of the applicant or Permit Holder to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the Permit Holder to acquire any property rights necessary to provide continuity from the applicant's property to the Department's right-of-way if the Permit Holder's property does not abut the right of way.
16. The party or parties to whom this permit is issued shall maintain at its or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the Department.
17. Any breach of any of the conditions and requirements herein made, or failure on the part of the Permit Holder of this permit to proceed with due diligence and in good faith after its acceptance, with construction work hereunder, shall subject this permit to cancellation as herein provided.
18. This permit is subject to all applicable provisions of 468-51 WAC, Chapter 47.50 RCW, Chapter 47.32 RCW, and/or Chapter 47.44 RCW, and amendments thereto.



Washington State
Department of Transportation

Access Connection Permit

Name and Address of Applicant:

Charles T. Walter
32554 S. Lyman Ferry Rd.
Sedro-Woolley, WA 98284

RECEIVED

JUN 13 2000

MT. BAKER AREA
OPERATIONS

Phone (Optional) 360-826-3148

Permit Number

AC00050027

SR

9

MP

61.20

L/R

L

KP

Region

Northwest

County

Skagit

Tax Parcel Number

Government Lot Number

SE 1/4 of NE 1/4 of S 36, T 36N, R 4E

Permit Category

- ☒ 1 - Minimum Connection
☐ 2 - Minor Connection
☐ 3 - Major Connection
☐ 4 - Temporary Connection

Current Highway Classification

- ☐ 1 - 1320' Minimum Approach Spacing Required
☒ 2 - 660' Minimum Approach Spacing Required
☐ 3 - 330' Minimum Approach Spacing Required
☐ 4 - 250' Minimum Approach Spacing Required
☐ 5 - 125' Minimum Approach Spacing Required

Access Connection meets current Department location, spacing, and design criteria:

☐ Conforming ☒ Non-Conforming ☐ Variance

The Applicant, hereinafter referred to as the "Permit Holder," having applied for a permit to construct/upgrade, use, and maintain an access connection to serve:

Maintain a 20-foot minimum Category I "MINIMUM CONNECTION", Nonconforming, Noncommercial Road Approach Type "A" for 1 single family residence.

*This access is non-conforming because it does not meet the minimum spacing of 660 feet for a Class II Highway required by the Highway Access Management WAC 468-52-040.

The Washington State Department of Transportation or its designee, herein after referred to as the "Department," hereby orders that this permit be granted, subject to the terms and provisions stated upon the General Provisions hereof and Exhibits attached hereto and by this reference made a part hereof:

Exhibit "A" - Special Provisions for Highway Encroachments, Page(s) 1-3

Exhibit "B" - Right of Way Plan Titled "SR 9, MP 57.17 to MP 66.88, Sedro Woolley Vic. to Whatcom County Line, Sheet 12 of 22", Sheet 1 of 2.

Exhibit "B" - Noncommercial Approach Design Template A, Design Manual Figure 920-3, Sheet 2 of 2.

Exhibit "C" - Site Plan provided by the Grantee, Sheet 1 of 1.

This permit shall be void unless the construction herein contemplated is started within 90 days of issuance and completed within 120 days of issuance, unless otherwise provided herein.

This permit is accepted and approved by the Permit Holder subject to the terms and provisions as herein set forth.

PERMIT HOLDER

By: Charles T. Walter

Title: PRES

Date: 6/5/00

DOT Form 224-005 EF
Revised 7/99

DEPARTMENT OF TRANSPORTATION

By: [Signature]

Title: MT. BAKER AREA ADMINISTRATOR

Date: 6/5/00

General Provisions

1. The Permit Holder, its successors and assigns, agrees to protect the State of Washington, its officers and employees and save them harmless from all claims, actions or damages of every kind and description which may accrue to or be suffered by any person, persons, or property by reason of the acts or omissions of the Permit Holder, its assigns, agents, contractors, licensees, employees or any person whomsoever, in connection with Permit Holder's, its assigns', agents', contractors', licensees' or employees' construction, installation, maintenance, operation, use or occupancy of the right of way or in the exercise of this permit. In case any suit or action is brought against the State of Washington, its officers and employees, arising out of or by reason of any of the above causes, the Permit Holder, its successors or assigns will, upon notice of such action, defend the same at its sole cost and expense and satisfy any judgement against the State of Washington, its officers, or employees: PROVIDED, that if the claims or damages are caused by or result from the concurrent negligence of (a) the State of Washington's agents or employees and (b) the Permit Holder or Permit Holder's agents or employees, this indemnity provision shall be valid and enforceable only to the extent of the negligence of the Permit Holder or the Permit Holder's agents or employees.

The Permit Holder, and on behalf of its assigns, agents, licensees, contractors and employees agrees to waive any claims for losses, expenses, damages or lost revenues incurred by it or its agents, contractors, licensees, employees or customers in connection with Permit Holder's, its assigns', agents', contractors', licensees' or employees' construction, installation, maintenance, operation, use or occupancy of the right of way or in the exercise of this permit against the State of Washington, its agents or employees except the reasonable costs of repair to property resulting from the negligent injury or damage to Permit Holder's property by the State of Washington, its agents, contractors or employees.
2. During the progress of the work, such barriers shall be erected and maintained as may be necessary or as may be directed for the protection of the traveling public; the barriers shall be properly lighted at night.
3. Except as herein authorized, no excavation shall be made or obstacle placed within the limits of the State highway in such a manner as to interfere with the travel over said road.
4. If the work done under this permit interferes in any way with the drainage of the State highway, the Permit Holder shall wholly and at its own expense make such provision as the Department may direct to take care of said drainage.
5. Permit Holder hereby authorizes the Department to enter upon their lands where necessary to construct or reconstruct the permitted access connection and/or construct and maintain traffic control devices and appurtenances.
6. The access connection shall be maintained between the right of way line and the shoulder line of said (highway, frontage service road of said highway, highway and/or frontage service road, "- Line of said highway) by the Permit Holder, their heirs, successors or assigns.
7. On completion of said work herein contemplated, all rubbish and debris shall be immediately removed and the roadway and roadside shall be left neat and presentable and satisfactory to the Department.
8. The cost of construction or modification of a connection shall be the responsibility of the Permit Holder, including the cost of modification of any connection required as a result of changes on property site use in accordance with WAC 468-51-110.
9. The Department hereby reserves the right to order the change of location or the removal of any structure or structures authorized by this permit at any time, said change or removal to be made at the sole expense of the party or parties to whom this permit is issued, or their successors and assigns.
10. Existing permitted connections impacted by the Department's work program and which, in the consideration of the Department, necessitate modification, relocation, or replacement in order to meet current Department connection location, quantity, spacing, and design standards, shall be modified, relocated, or replaced in kind by the Department at no cost to the Permit Holder. The cost of further enhancements or modification to the altered, relocated, or replaced connections desired by the Permit Holder shall be the responsibility of the Permit Holder.
11. If any changes are made or proposed in the land use, intensity of development, type of traffic, or traffic flow of the property served by this connection permit, the Permit Holder is required to contact the Department to determine if further analysis is needed to determine if the change is significant and would require a new permit and modifications to the connection.
12. All such changes, reconstruction, or relocation by the Permit Holder shall be done in such manner as will cause the least interference with any of the Department's work, and the Department shall in no wise be held liable for any damage to the Permit Holder by reason of any such work by the Department, its agents or representatives, or by the exercise of any rights by the Department upon roads, streets, public places, or structures in question.
13. This permit or privilege shall not be deemed or held to be an exclusive one and shall not prohibit the Department from granting other permits or franchise rights of like or other nature to other public or private companies or individuals, nor shall it prevent the Department from using any of its roads, streets, or public places, or affect its right to full supervision and control over all or any part of them, none of which is hereby surrendered.
14. The Department may revoke, amend, or cancel this permit or any of the provisions thereof at any time by giving written notice to the Permit Holder. The Permit Holder shall immediately remove all facilities from the right of way. Any facilities remaining upon the right of way 30 days after written notice of cancellation shall be removed by the department at the Permit Holder's expense.
15. It is the responsibility of the applicant or Permit Holder to obtain any other local permits or other agency approvals that may be required, including satisfaction of all environmental regulations. It is also the responsibility of the Permit Holder to acquire any property rights necessary to provide continuity from the applicant's property to the Department's right-of-way if the Permit Holder's property does not abut the right of way.
16. The party or parties to whom this permit is issued shall maintain at its or their sole expense the structure or object for which this permit is granted in a condition satisfactory to the Department.
17. Any breach of any of the conditions and requirements herein made, or failure on the part of the Permit Holder of this permit to proceed with due diligence and in good faith after its acceptance, with construction work hereunder, shall subject this permit to cancellation as herein provided.
18. This permit is subject to all applicable provisions of 468-51 WAC, Chapter 47.50 RCW, Chapter 47.32 RCW, and/or Chapter 47.44 RCW, and amendments thereto.



Washington State
Department of Transportation

Special Provisions for Highway Encroachments

Permit No. AC00050027

Applicable provisions are denoted by (☒)

- ☒ 1. No work provided for herein shall be performed until the Grantee is authorized by the following Department representative:
- Mr. Wayne Starck, Asst. Maintenance Superintendent
WSDOT Maintenance Area 2
4100 Cedardale Road
Mount Vernon, Washington 98273
Phone: 360-428-1424
- ☒ 2. Prior to the beginning of construction, a preconstruction conference shall be held at which the Department and the Grantee and Grantee's engineer, contractor, and inspector shall be present.
- ☒ 3. Should the Grantee choose to perform the work outlined herein with other than its own forces, a representative of the Grantee shall be present at all times unless otherwise agreed to by the Department representative. All contact between the Department and the Grantee's contractor shall be through the representative of the Grantee. Where the Grantee chooses to perform the work with its own forces, it may elect to appoint one of its own employees engaged in the construction as its representative. Failure to comply with this provision shall be grounds for restricting any further work by the Grantee within the State right of way until said requirement is met. The Grantee, at its own expense, shall adequately police and supervise all work on the above described project by itself, its contractor, subcontractor, agent, and others, so as not to endanger or injure any person or property.
- ☐ 4. A copy of the permit must be on the job site and protected from the elements at all times during any of the construction authorized by said permit.
- ☒ 5. This permit does not give the Grantee or any agent or contractor of the Grantee any rights to cut, spray, retard, remove, destroy, damage, disfigure or in any way modify the physical condition of any vegetative material located on the highway right of way, except by written permission from the Department or for purposes as described by No. 6 if denoted below. All restoration shall be done to the satisfaction of the Department at the sole expense of the Grantee.
- ☒ 6. If necessary to increase sight distance, brush shall be removed from both sides of the access connection and stumps shall be removed. The indiscriminate cutting of merchantable timber or disfiguring of any feature of scenic value shall not be permitted.
- ☐ 7. The access connection(s) shall be constructed in accordance with the attached
- Sufficient length of _____ -inch diameter culvert pipe shall be placed in ditch and laid to a true line and grade.
- The access connection(s) shall be surfaced to the limits as shown on the plan with a 6-inch minimum compacted depth of gravel base material and a 3-inch compacted depth of crushed surfacing top course. Asphalt paving will not be required. Finished grade of the access connection shall be in accordance with the profile control as shown on the attached plan. Directing of surface water from private property to Department right of way will not be permitted, unless otherwise approved by the Department.
- ☒ 8. The access connection(s) shall be constructed in accordance with the attached Exhibits B and C.
- Sufficient length of 12 _____ -inch diameter culvert pipe shall be placed in ditch and laid to a true line and grade.
- The access connection(s) shall be surfaced to the limits as shown on the plan with a 6-inch minimum compacted depth of gravel base material a 3-inch minimum compacted depth of crushed surfacing top course and paved with a 3-inch minimum compacted depth of Asphaltic Concrete Class B unless otherwise specified by the Department. Any existing oil mat on shoulder or roadway shall be removed and new pavement laid to a butt joint with existing pavement. Finished grade of new pavement shall be in accordance with the profile control as shown on attached plan. Directing of surface water from private property onto Department right of way will not be permitted, unless otherwise approved by the Department.
- ☒ 9. All buildings and appurtenances shall be so located at a distance from the right of way line of any State Highway that none of the right of way therefore is required for use of the patrons or customers of any such establishment. Grantee shall comply with local building codes. Set-back requirements for the location of buildings in relation to the right of way line are a function of local authorities, and they should be consulted regarding requirements that must be adhered to.

- ☒ 10. The Grantee agrees to schedule the work herein referred to and perform said work in such a manner as not to delay the Department's contractor in the performance of his contract.
- ☒ 11. Work within the right of way shall be restricted to between the hours of 9:00 AM and 3:30 PM, and no work shall be allowed on the right of way Saturday, Sunday, or holidays, unless authorized by the Department. Any lane closures must be submitted for approval in advance of use. The hours of permitted closure may differ from the above noted hours.
- ☒ 12. The shoulders, where disturbed, shall be surfaced with crushed surfacing top course 4 - inch minimum compacted depth, or as directed by the Department. The surface of the finished shoulder shall slope down from the edge of pavement at the rate of 1/2 inch per foot unless otherwise directed. The restored shoulder must not have any strips or sections less than 2 feet wide. The restored shoulder shall be surfaced with ACP Class B or as directed during the Pre-construction meeting.
- ☒ 13. The Grantee shall be responsible for constructing and maintaining the access connection(s) and appurtenances between the shoulder line of the highway and the right of way line inclusive of surfacing and drainage. The Department has the right to inspect all installations at the time of construction and at any time afterward and to require that necessary changes and repairs be made. Unsatisfactory work will be corrected by the Department, at the Grantee's expense, or access may be removed at the Grantee's expense. Directing of surface water from private property onto Department right of way will not be permitted.
- ☒ 14. The access connection shall be sufficiently surfaced back an adequate distance from the edge of the pavement to prevent any tracking of material onto the highway. Any tracking of material onto the highway shall be subject to enforcement of Chapter 46.61.655 RCW and shall be immediately cleaned up by the Grantee or the Grantee's agent.
- ☒ 15. Standard highway warning signs designated as "Truck Crossing" sign, plate W11-6, shall be placed and maintained at Grantee's expense on each side of the access connection. Signs shall be in evidence only when access is actually being used. If necessary, flagmen shall be provided. Sufficient parking space shall be provided by the Grantee outside Department right of way so no vehicles will be parked on said right of way.
- ☐ 16. All manholes, valve covers, and like appurtenances shall be constructed at such an elevation to conform to the shoulder slope from the edge of pavement or as directed by the Department.
- ☒ 17. All slopes, slope treatment, top soil, ditches, pipes, etc., disturbed by this operation shall be restored to their original cross section and condition. All hazards shall be marked by warning signs, barricades, and lights. If necessary, flagmen shall be employed for the purpose of protecting the traveling public. Roadside operations shall be specified by the Department's representative.
- ☒ 18. During the construction and/or maintenance of this facility, the Grantee shall comply with the Manual on Uniform Traffic Control Devices for Streets and Highways. If determined necessary by the Department, the Grantee shall submit a signing and traffic control plan to the Department's representative for approval prior to construction or maintenance operations.
- ☐ 19. Bond coverage required to ensure proper compliance with all terms and conditions of said permit will be furnished by a Blanket Surety Bond held at Headquarters in Olympia.
- ☒ 20. A surety bond in the amount of \$ 2,000 written by a surety company authorized to do business in the State of Washington, shall be furnished to ensure compliance with any and all of the terms and conditions of this permit and shall remain in force until all work under this permit has been completed and approved by the Department.
- ☐ 21. Relative to advertising adjacent to all State highways, we wish to call your attention to the Scenic Vistas Act of 1971, Chapter 47.42 RCW and State Transportation Commission ruling Chapter 468-66 WAC. Violation of this section of the statutes will be sufficient cause for cancellation of this permit. On-premise signs are allowed.
- ☒ 22. The Grantee shall notify the Department's representative upon completion of the work under this permit so that a final inspection can be made.
- ☒ 23. No lane closures shall be allowed except as approved by the Department representative. Approvals may cause revision of special provisions, including hours of operation.
- ☒ 24. The responsibility of the Grantee for proper performance, safe conduct, and adequate policing and supervision of the project shall not be lessened or otherwise affected by Department approval of plans, specifications, or work, or by the presence at the work site of Department representatives, or by compliance by the Grantee with any requests or recommendations made by such representatives.
- ☒ 25. All material and workmanship shall conform to the Washington State Department of Transportation Standard Specifications for Road, Bridge and Municipal Construction, current edition, and amendments thereto, and shall be subject to inspection by the Department.

SPECIAL PROVISIONS FOR HIGHWAY ENCROACHMENTS

- x26. The subject approach shall be constructed as specified on the attached exhibits.
- x27. This permit is non-conforming because it does not meet the minimum the spacing between driveways. This portion of SR-9 is Class II Highway according to Highway Access Management WAC 468-52-040, and the required minimum spacing between driveways is 660 feet. Therefore, this access connection shall continue until such time that other reasonable access to a highway with a less restrictive access control or acceptable access to the general street system becomes available and is permitted.
- x28. This permit is to be used to access one single family residence only and is limited to 100 or less AWDVTE. If more than one business/commercial access is needed in the future, a revised permit for such access shall be obtained from this office at that time.
- x29. Access for any future subdivisions of the subject property shall only permitted through the subject driveway and no additional access points will be allowed.

Exhibit "A"

Page 3

PERMIT NO. AC00050027

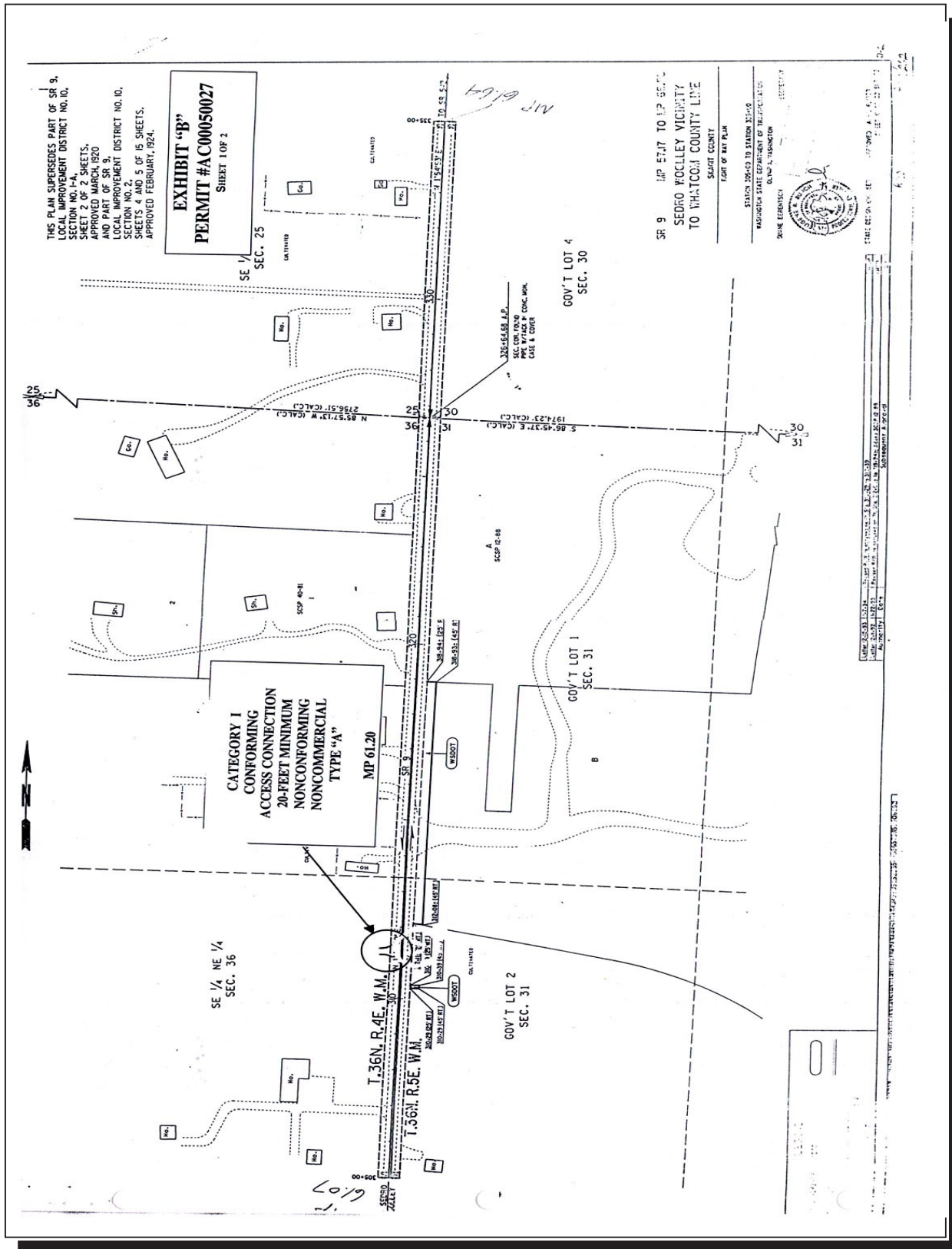
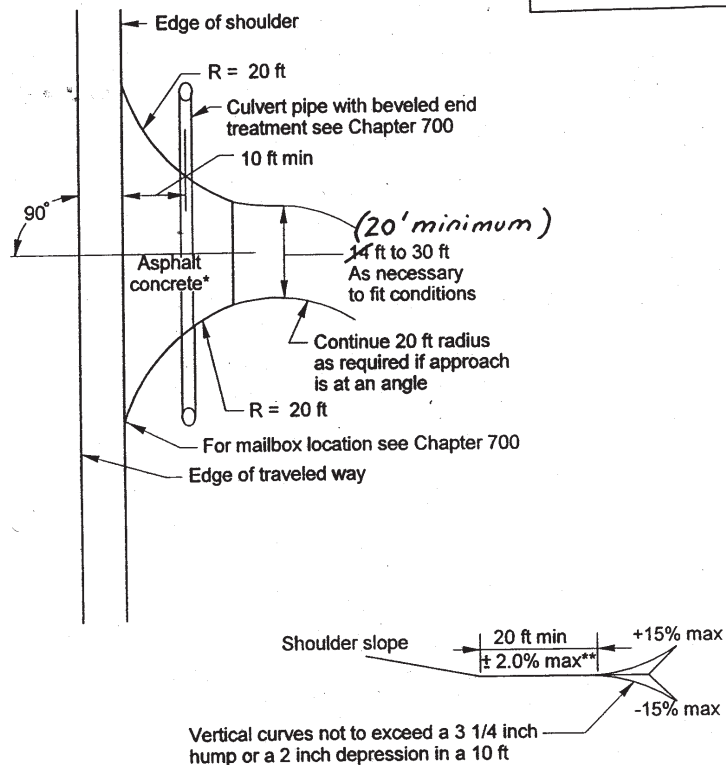


EXHIBIT "B"
PERMIT # AC00050027
SHEET 2 OF 2



*When the travel lanes are bituminous, a similar type may be used on the approaches.
 **Difference from shoulder slope.

Noncommercial Approach Design Template A
 Figure 920-3

Design Manual
 December 1998

English Version

Road Approaches
 Page 920-5

EXHIBIT "C"
PERMIT # AC00050027
SHEET 1 OF 1

